

ALLEGHANY COUNTY CIRCUIT COURT

Deferred or Installment Payment Policy

Pursuant to Va. Code Sections 19.2-354(A) & (B), it is the responsibility of the Circuit Court to collect fines, costs, and restitution due the Commonwealth. The Court has assigned the Clerk of the Circuit Court, the duty of making arrangements with defendants to collect these fees.

Payment plans and terms may be set by the Court or the Clerk and amended at the discretion of the Court, Upon the conclusion of our criminal case, you will be given notice of fines, costs, and restitution owed and you will be advised if any additional costs such as court appointed attorney fees, will be added to your account. On your court, date, if you are unable to pay in full, all fines, costs, and restitution assessed, you may enter into a deferred plan to pay in full by a date in the future **OR** you may set up a monthly payment plan. The clerk will consider the financial situation of each defendant in determining the specifics of the payment plan.

If you disagree with the terms of your payment plan, you have the right to request in writing that the Clerk place the matter on the docket for a ruling by the Judge. Also, any request for extension or modifications of a current plan, must be presented to the Clerk's office in writing for approval by the Judge.

Completion of community service in lieu of cash payments for all fines and costs may be approved by the Court at the rate of \$7.50 per hour. Community service will be monitored by your probation officer or the Court Community Corrections Program. Community service cannot be done to satisfy outstanding restitution which can only be paid by cash payments.

If a defendant serves an active sentence of jail or penitentiary time in the Commonwealth, pursuant to VA. Code Section 19.2-353.5, interest on ANY outstanding fines and costs owed to this court or ANY other Court, which may accrue during the period when the defendant is incarcerated, will be waived by the Court upon the defendant's request. The defendant should contact the Court for the proper forms for waiver of interest.

In the event that you do not comply with the terms of your payment agreement made with this Court, your account will be defaulted and will then be subject to interest and assessed a 17% collection fee calculated on the total that you owe. Your account will also be sent to the Virginia Department of Taxation, the collection agent for this Court. You will be subject to possible garnishments, tax set-offs and other means available for collection of the debt.

Any defendant who has a default account, may petition the Court for a "new time to pay agreement." When a defendant enters into a subsequent payment agreement, the Court shall require a **down payment paid at the time you file the petition:**

- (i) if the fines, costs, restitution owed are **\$500 or less:**
the required down payment **shall not exceed 10% of the total owed**
- (ii) If the fines, costs, restitution owed are **more than \$500;**
the required down payment **shall not exceed 5% of the total owed OR \$50 whichever is greater**

7/1/19
Date Order Entered

[Signature]
JUDGE